

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rule making related to firearms legal for deer hunting

The Natural Resource Commission (Commission) hereby amends Chapter 106, “Deer Hunting by Residents,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 455A.5(7), 481A.38(1)“a” and 481A.48.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 481A.48.

Purpose and Summary

Chapter 106 contains the regulations for the resident deer hunting seasons and includes licensing requirements, season dates, shooting hours, bag limits, possession limits, tagging requirements, and methods of take.

This rule making aligns Chapter 106 with Iowa Code section 481A.48 as amended by 2020 Iowa Acts, House File 716 (signed by Governor Reynolds on June 18, 2020), which makes certain firearms legal for deer hunting. Specifically, the following amendments:

1. Adopt in full the statute’s technical parameters for the handguns and rifles that are now legal for deer hunting during the regular gun seasons and the youth/severely disabled season; and
2. Adopt the statute’s requirement that youth who are hunting deer with a handgun must do so under the direct supervision of a licensed responsible adult.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 10, 2021, as **ARC 5435C**. A virtual public hearing was held on March 2, 2021, at 12 noon. No one attended the public hearing.

Seven written comments were received during the public comment period. Five comments were in favor of the proposed changes to allow rifles (including .45-70 and .444 calibers) for deer hunting. The remaining two comments were against the use of large-caliber rifles and “necked-down” cartridges.

No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Commission on April 8, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department of Natural Resources (Department) upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

This rule is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on June 9, 2021.

The following rule-making actions are adopted:

ITEM 1. Rescind subrule 106.7(2) and adopt the following **new** subrule in lieu thereof:

106.7(2) Regular gun seasons. Only the following shall be used in the regular gun season: 10-, 12-, 16-, and 20-gauge shotguns shooting single slugs; any handgun or rifle as described in Iowa Code section 481A.48; and any muzzleloaders as described in subrule 106.7(3).

ITEM 2. Amend subrule 106.7(3) as follows:

106.7(3) Muzzleloader seasons. Only muzzleloading rifles ~~and, muzzleloading muskets, muzzleloading pistols, and muzzleloading revolvers~~ will be permitted for taking deer during the early muzzleloader season. During the late muzzleloader season, deer may be taken with a muzzleloading rifle, muzzleloading musket, muzzleloading pistol, ~~centerfire~~ muzzleloading revolver, any handgun as defined in 106.7(2), crossbow as described in 106.7(1) "b," or bow as described in 106.7(1). All muzzleloaders as described in this subrule shall only shoot a single projectile between .44 and .775 of an inch.

~~a. Muzzleloading rifles are defined as flintlock or percussion cap lock muzzleloaded rifles and muskets of not less than .44 caliber and not larger than .775 caliber, shooting single projectiles only.~~

~~b. Muzzleloading pistols must be .44 caliber or larger, shoot single projectiles only, and have a 4-inch minimum barrel length.~~

ITEM 3. Amend subrule 106.7(5) as follows:

106.7(5) January antlerless-deer-only season. Bows, crossbows, shotguns, muzzleloaders, rifles, and handguns as described in this rule, ~~and centerfire rifles .24 caliber or larger~~, may be used during the January antlerless-deer-only season.

ITEM 4. Amend subrule 106.7(6) as follows:

106.7(6) Prohibited weapons and devices. The use of dogs, domestic animals, bait, ~~rifles other than muzzleloaded or straight wall cartridge as provided in 106.7(2), 106.7(3), 106.7(5), and 106.10(5), handguns except as provided in 106.7(2) and 106.7(5) firearms except as provided for in this chapter,~~ crossbows except as provided in 106.7(1) ~~and 106.7(3)~~, automobiles, aircraft, or any mechanical conveyance or device, including electronic calls, is prohibited, except that paraplegics and single or double amputees of the legs may hunt from any stationary motor-driven land conveyance. "Bait" means grain, fruit, vegetables, nuts, hay, salt, mineral blocks, or any other natural food materials; commercial products containing natural food materials; or by-products of such materials transported to or placed in an area for the intent of attracting wildlife. Bait does not include food placed during normal agricultural activities. "Paraplegic" means an individual with paralysis of the lower half of the body with involvement of both legs, usually due to disease of or injury to the spinal cord. It shall be unlawful for a person, while hunting deer, to carry or have in possession a rifle except as provided in 106.7(2);

or 106.7(3), 106.7(5), and 106.10(5). A person in possession of a valid permit to carry weapons may carry a handgun while hunting. However, only handguns as described in 106.7(2) may be used to hunt deer and only when a handgun is a lawful method of take.

ITEM 5. Amend subrule 106.10(5) as follows:

106.10(5) *Method of take and other regulations.* Deer may be taken with ~~shotgun~~ shotguns, ~~bow~~ bows, handguns, ~~straight wall cartridge~~ rifles, or ~~muzzleloaded rifles~~ muzzleloaders as permitted in 571—106.7(481A). Youth hunters using a handgun must be accompanied and under direct supervision throughout the hunt by a responsible person with a valid hunting license who is at least 21 years of age, with the consent of a parent or guardian. The responsible person with a valid hunting license who is at least 21 years of age shall be responsible for the conveyance of the pistol or revolver while the pistol or revolver is not actively being used for hunting. “Direct supervision” means the same as defined in Iowa Code section 483A.27A(4). All participants must meet the deer hunters’ orange apparel requirement in Iowa Code section 481A.122. All other regulations for obtaining licenses or hunting deer shall apply.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 5/5/21.